

## 2013 DRAFTING REQUEST

### Bill

Received: 2/25/2013 Received By: eshea  
Wanted: As time permits Same as LRB: -1594  
For: Katrina Shankland (608) 267-9649 By/Representing: Annika Petty  
May Contact: Drafter: eshea  
Subject: State Govt - procurement Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Shankland@legis.wisconsin.gov  
Carbon copy (CC) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Timely notice of intent to protest, protest, or appeal prohibits award of contract.

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	eshea 2/25/2013	wjackson 2/27/2013	rschluet 2/27/2013	_____	sbasford 2/27/2013	srose 3/18/2013	State

FE Sent For:

at intro  
3/26

<END>

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/1 eshea

*22713*

FE Sent For:

<END>

**Shea, Elisabeth**

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**From:** Rep.Shankland  
**Sent:** Thursday, February 14, 2013 4:45 PM  
**To:** Shea, Elisabeth  
**Cc:** Ford-Kelly, Jessica  
**Subject:** Drafting request - Procurement Appeal Process

Dear Atty. Shea,

Rep. Shankland would like to have the Assembly companion bill drafted for the bill that Senator Lassa recently drafted regarding appeals or protests of state procurement decisions. Please let me know if you have any questions.

Thank you,  
Annika

**Annika L. Petty**  
Legislative Assistant  
Office of Representative Katrina Shankland  
(608) 267-9649

[apetty@legis.wisconsin.gov](mailto:apetty@legis.wisconsin.gov)

2/15/2013



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1726/1

EHS: /.....

WLJ

ln 2/25/13

2013 BILL

Gen Cat

1 AN ACT ...; relating to: an appeal or protest of a service contract award.

*Analysis by the Legislative Reference Bureau*

Under current law, the Department of Administration (DOA) is required to promulgate rules for the procurement of contractual services by DOA and its designated agents. This bill requires that, if those rules allow bidders to protest or appeal decisions regarding the award of a service contract, DOA or its agent is prohibited from proceeding with contractual services if it receives a timely notice of intent to protest or appeal a decision or a timely protest or appeal. Under the bill, this prohibition does not apply if the secretary of DOA provides a written determination that proceeding with the contractual services without delay is necessary to protect public health or safety.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 16.705 (3) of the statutes is created to read:  
3 16.705 (3) If the department promulgates rules that allow a bidder to protest  
4 or appeal the department or its agent's decision regarding the award of a service  
5 contract, and if the department or its agent receives a timely notice of intent to

**BILL****SECTION 1**

1 protest or appeal a decision, or a timely protest or appeal of a decision, the  
2 department or its agent may not proceed with the contractual services until a  
3 decision is made on the protest or appeal, unless the secretary makes a written  
4 determination that proceeding with the contractual services without delay is  
5 necessary to protect public health or safety.

6 (END)

## INSERT A

This bill requires that, if those rules allow bidders to protest or appeal decisions regarding the award of a service contract and if DOA or its agent receives a timely notice of intent to protest or appeal a decision or a timely protest or appeal, DOA or its agent may not proceed with contractual services until a decision is made on the protest or appeal.

**Rose, Stefanie**

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**From:** Rep.Shankland  
**Sent:** Monday, March 18, 2013 9:46 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1726/1 Topic: Timely notice of intent to protest, protest, or appeal prohibits award of contract.

Please Jacket LRB -1726/1 for the ASSEMBLY.